IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE MR. JUSTICE P.S. NARAYANA

WRIT PETITION No. 24345 OF 2006

DATED: 22-11-2006

BETWEEN:

Devarakonda Sankara Chari

.....Petitioner

AND

The District Collector,
Nalgonda, Nalgonda District
and three others

.....Respondents

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THE HON'BLE MR. JUSTICE P.S. NARAYANA

WRIT PETITION No. 24345 OF 2006

ORDER:

Heard Smt. Anuradha, learned counsel representing the petitioner and Sri V.V.Prabhakar Rao, learned counsel representing the 4th respondent.

The writ petition is filed for a writ of mandamus declaring the action of the respondents in not communicating the rejection order dated 19-07-2006 to the petitioner till today for non-inclusion of his name in the voters list as arbitrary, illegal and unconstitutional being violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to accept the nomination of the petitioner for the election to the post of Sarpanch in Maseedgudem Village, Choutuppal Mandal, Nalgonda District to be held on 01-12-2006 beyond the date of acceptance of nomination and to pass such other suitable orders.

Several factual details are narrated in paras 2, 3, 4 and 5 of the affidavit filed in support of the writ petition. Smt. Anuradha, learned counsel representing the petitioner made elaborate submissions and would contend that the manner in which the order had been served without even affording opportunity to the petitioner to pursue further remedies would prima facie show that the action itself is mala fide.

In view of the facts and circumstances explained, this Court is not inclined to express any further opinion. But, however, in the light of the orders dated 19-07-2006, which are stated to be antedated orders, this Court is of the considered opinion that at present a positive direction to accept the nomination of the petitioner cannot be granted. However, the petitioner is given liberty to pursue his remedies relating to the non-inclusion of his name in accordance with law in future. Except giving the said liberty, nothing else can be done in this writ petition.

With the above observations, the writ petition is closed. No order as to costs.

(P.S. NARAYANA, J)

Dated: 22-11-2006
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